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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,726	03/30/2005	Terumasa Hoshino	123150	8996

25944 7590 11/27/2006

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EXAMINER

HA, NGUYEN Q

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/529,726

Applicant(s)

HOSHINO ET AL.

Examiner

"Wynn" Q. HA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6 and 8 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7 and 9-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7 and 9-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Higuchi et al. (US 6,227,732 B1). With respect to these claims, Higuchi teaches the following:

Claim 1: A sheet package 51A or 51B (figs. 1, 2, 8 & 9), which can be loaded in a sheet storage unit of a printer, comprising:

a stack of sheets 1 as print media for the printer; and

a package member 51 A (or 51B) covering the exterior of the stack of sheets 1, wherein;

the package member includes a first portion 51b (fig. 1) covering one of upper and lower faces of the stack of sheets 1, a second portion 51d (or 51c) connecting with the first portion and covering a side face of the stack of sheets 1, and a third portion 53 connecting with the second portion and covering the other of the upper and lower faces of the stack of sheets 1, and

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the first portion 51b of the package member includes a first exposing portion 52 exposing part of the stack of sheets 1 to allow entrance of a sheet feed roller of the printer, and

the package member includes a second exposing portion 59 exposing a side part of the stack of sheets 1 facing a pressing member provided to a side wall of the sheet storage unit of the printer parallel to a sheet feed direction so that the pressing member can press the stack of sheets 1 against a positioning portion provided to the opposite side wall of the sheet storage unit parallel to the sheet feed direction, wherein the first portion 51b and the third portion 53 are connected by the second portion 51d (or 51c) that faces only the side face of the stack of sheets 1.

Claim 2: The second portion 51d covers a side face of the stack of sheets 1 on an upstream side in the sheet feed direction b1 (fig. 1).

Claim 3: The sheets 1 are heat-sensitive sheets (col. 1 lines 13-14 "photographic paper, i.e. sheets, according to a thermal transfer system using a thermal head").

Claim 4: A part of the package member 51A covering the exterior of the stack of sheets 1 consists of the first portion 51b, the second portion 51d and the third portion 53.

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Claim 5: Lengths of the first portion 51b and the third portion 53 of the package member in a direction orthogonal to the sheet feed direction are equal to a length of the sheet in the direction orthogonal to the sheet feed direction (figs. 8 & 9, col. 1 lines 65-67 "sheet package has an outer shape matched with the shape of the sheets").

Claim 7: A package member 51A (or 51B) having all that is claimed (as discussed in claim 1 above).

Claim 9: A sheet package 51A (or 51B), which can be loaded in a sheet storage unit of a printer, comprising:

a stack of sheets 1 as print media for the printer; and

a package member 51A (or 51B) covering the exterior of the stack of sheets 1, wherein:

the package member includes a first portion 51b covering one of upper and lower faces of the stack of sheets 1, a second portion 51d (or 51c) connecting with the first portion 51b and covering a side face of the stack of sheets 1 on an upstream side in a sheet feed direction b1, and a third portion 53 connecting with the second portion 51d and covering the other of the upper and lower faces of the stack of sheets 1, and

the first portion 51b of the package member includes an identification part 57 readable to a sensor unit of a printer (col. 2 lines 35-38) and a configuration 52 allowing entrance of sheet feed roller of the printer, and

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the third portion 53 has edge parts (opposite edges) on its upstream side and downstream side in the sheet feed direction, the edge parts being configured to make contact with inner surfaces of the sheet storage unit 2 on its upstream side and downstream side in the sheet feed direction respectively when the sheet package is loaded in the sheet storage unit 2, and

the package member is positioned in the sheet feed direction by the contact of the edge parts of the third portion 53 with the inner surfaces of the sheet storage unit 3 (figs. 18A & 24 show the edges of member 53 – of the sheet package 51A – in contact with the inner surfaces of the sheet storage unit 2), wherein the first portion 51b and the third portion 53 are connected by the second portion 51d (or 51c) that faces only the side face of the stack of sheets 1.

Claim 10: The first portion 51b is formed to be shorter than the third portion 53 in the sheet feed direction in order to allow the entrance of the sheet feed roller.

Claim 11: A difference between a distance between the inner surfaces of the sheet storage unit 2 on the upstream side and downstream side in the sheet feed direction and a dimension of the third portion 53 in the sheet feed direction is within 1.0 mm (figs. 18A & 24 show the edges of member 53 of sheet package 51A in contact with the inner surfaces of the sheet storage unit 2. That indicates the gaps between the member 53 and the inner surfaces of the sheet storage unit being less than 1.0 mm).

Claim 12: The second portion 51d of the package member covers a side face of the stack of sheets on the upstream side in the sheet feed direction b1.

Claim 13: The second portion 51c of the package member covers a side face of the stack of sheets extending in the sheet feed direction.

Claim 14: The first portion 51b, the second portion 51 d (or 51c) and the third portion 53 of the package member are formed integrally.

Claim 15: All that is claimed (as discussed above), and the first portion 51b includes an identification part 57 readable to a sensor unit of the printer (col. 2 lines 35-38 "a sensor for detecting the sheet type"; col. 4 lines 44-45 "sheet type identifying code 57").

Claim 16: A printer 01 comprising a sheet package 51A that has all the claimed structures.

Allowable Subject Matter

2. **Claim 6** is allowed. (See the previous Office Action date mailed on 7/28/06 for the reasons for the indication of allowable subject matter.)

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Claim 8 is also allowed. The following is a statement of reasons for the indication of allowable subject matter: The overall combination of structure as claimed, including a sheet storage unit that has a positioning portion provided to its one side wall parallel to a sheet feed direction and a pressing member provided to the opposite side wall parallel to the sheet feed direction being biased toward the one side wall, is not taught or suggested by the prior art of record.

Response to Arguments

3. Applicant's arguments filed on 30 October 2006 with respect to claim 1-5, 7 and 9-15 have been fully considered but they are not persuasive.

As discussed in claims 1 and 12, the second portion 51d faces only the side face 1b of the stack of sheets 1.

As discussed in claims 9 and 13, the second portion 51c faces only the side face 1c of the stack of sheets 1.

Furthermore, the "second portion," as claimed, can be considered to be any portion other than first and third portions. Higuchi's figures 1 and 8 show the second portion 51d (or 51c) connecting the other first and third portions.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wynn Q. HA whose telephone number is 571-

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272-2863. The examiner can normally be reached on Monday - Friday from 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NQH


JUDY NGUYEN
SUPERVISORY PATENT EXAMINER